

## REMARKS

Claims 30-78 are active in this application.

All remarks concerning the substance of the issues raised in the October 9, 2002 are already of record. For the sake of convenience, those remarks are reproduced below. Concerning the sequences in Figure 2, the specification had been amended in March 2001 to indicate the sequences present in Figure 2. Nonetheless, with the revision of Figure 2 to include Figures 2C, 2D and 2E, the specification has been amended to reflect the figure revision. Accordingly, the sequences in Figures 2A-E are described by a sequence identifier.

The Office Communication of August 25, 2005 is believed to be issued in error. The Office Communication of September 9, 2003 indicated that the previous reply of June 2003 was non-compliant and therefore had not been entered, including the claim amendments. As the claim amendments had not been entered when the July 14, 2004 reply was filed, the claims were appropriately identified as "New." Nonetheless, the undersigned discussed this case with Examiner Gary Jones who confirmed the most expedient way to address this issue is to refile the reply changing the status identifier from "New" to "Previously Presented." This has been done in the present paper. It is respectfully requested that if any further non-substantive issues arise that the undersigned be contacted directly to avoid any further delays in the issuance of this patent.

### REMARKS reproduced from February 10, 2003 filing:

Support for these claims is found in Claims 1-29 and the specification as originally filed. The claims are directed to the elected invention, i.e., Group I drawn to nucleic acids encoded proteins and fragments thereof, including expression vectors and nucleic acid detection reagents. With respect to the method claims, Applicants request that upon finding

that the elected claims are allowable, the corresponding non-elected process claims be rejoined. (MPEP § 821.04).

The rejection of the claims under 35 U.S.C. § 102(a) or 35 U.S.C. § 103(a) in light of Kannouche et al is obviated by the cancellation of those specific claims. However, as this rejection may apply to the claims presented herein, Applicants are submitting a Declaration under 37 C.F.R. § 1.132 to state that the work described in the Kannouche publication is their own work. Therefore, the Kannouche publication is not a publication by another according to 35 U.S.C. § 102(a) and withdrawal of these rejections is requested.

The specification has been amended in accordance with the Examiner's suggestion.

Formal drawings are submitted herewith to comply with the drawing requirements.

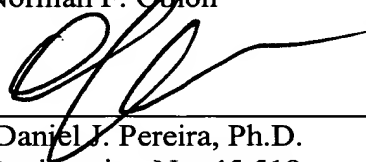
The rejections under 35 U.S.C. § 112, second paragraph, are addressed by amendment.

Lastly, the documents cited on the International Search and Preliminary Examination Reports are listed on the PTO-1449 Form submitted to the Office on February 10, 2003.

Applicants submit that the present application is now ready for allowance. An indication of such allowance without further delay is requested.

Respectfully submitted,

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